

### **REMARKS**

Claims 1-18 are pending in the application. The Abstract has been amended herein. Favorable reconsideration of the application, as amended, is respectfully requested.

The Examiner objects to the abstract of the disclosure as being lengthy. Applicants have amended the abstract so as to include less than 150 words. Applicants respectfully request withdrawal of the objection.

#### ***I. REJECTION OF CLAIMS 1-18 UNDER 35 USC §102(e)***

Claims 1-18 stand rejected under 35 USC §102(e) based on *Locket et al.* Applicants respectfully traverse this rejection for at least the following reasons.

The Examiner contends that *Locket et al.* describes each of the features recited in claims 1-18. Applicants respectfully submit, on the other hand, that *Locket et al.* does not teach or suggest several features of the claimed invention.

Specifically, claim 1 defines a data processor that includes a stream assembling section *that determines if a portion of audio data, which is associated with the video data stored in a predetermined data unit, is missing from the predetermined data unit. If so, audio data including at least that missing portion is copied and placed into the data stream.* Claim 13 describes a similar method.

For example, the present application describes how the PS assembling section 104 also generates *copied data having the same contents as the separately stored data*. If a portion of audio data, which is associated with the video data stored in a VOB #1, is missing from the VOB #1, then the copied data, obtained by copying at least that missing portion of the audio data, is placed into the data stream. For example, the PS assembling section 104 stores the *copied data* in at least the top

video pack of VOB#(I+1), which is next to VOB#I. Alternatively, the copied data may be stored in an audio file separately provided from the file of the VR compliant stream. As yet another example, the copied audio data may be stored either as a private stream or as ancillary information such that the video and audio data to be played back synchronously with each other are provided as part of the data stream. (See, e.g., Spec., p. 20, ln. 8 to p. 21, ln. 15; and p. 33, lns. 11-18).

*Locket et al.* describes a multi-media signal processing system. The system parses an incoming MPEG stream and separates it into its video and audio components. The system then stores the components into temporary buffers. Events are recorded that indicate the type of component that has been found, where it is located, and when it occurred. The video and audio components are stored on a storage device. When the program is requested for display, the video and audio components are extracted from the storage device and re-assembled into an MPEG stream. The MPEG stream is sent to a decoder which converts the MPEG stream into output signals that are provided to a receiver. (See, e.g., paragraphs 0012-0014). *Locket et al.* describes how such a parsing operation can help simplify a system.

Notably, *Locket et al.* does not teach or suggest a stream assembling section that determines what video packets and audio packets are included in each data unit, and whether a portion of audio data that is associated with the video data stored in a predetermined data unit is missing as recited in claim 1. Moreover, *Locket et al.* does not teach or suggest providing copied data into the data stream in response to determining that a portion of audio data is missing as recited in claim 1. The simple parsing and reassembling of the audio and video components as described in *Locket et al.* does not constitute determining when a portion of audio data is missing and correspondingly providing copied data into the data stream as a result. Similar comments apply to corresponding method claim 13.

The Examiner cites several paragraphs in *Locket et al.* when rejecting the claims. However, applicants respectfully submit that such paragraphs do not teach in any way a stream assembling section that determines if a portion of audio data, which is

associated with the video data stored in a predetermined data unit, is missing from the predetermined data unit. Moreover, such paragraphs of *Locket et al.* do not in any way teach copying partial audio data including the missing portion of audio data and putting such copied audio data into the data stream upon determining that the portion of audio data is missing as explained above.

As a specific example, Figs. 14, 18 and 21 of *Locket et al.* together with paragraphs 0135 and 0138 describes a dual MPEG-2 encoder that receives two video signals from the NTSC decoders 1602 and two audio signals from multi-shared sound processors 1603. Then the dual MPEG-2 encoder multiplexes the audio and video inputs into a constant bitrate MPEG-2 transport stream and outputs the stream.

However, *Locket et al.* fails to teach or suggest in any way that the dual MPEG-2 encoder performs the operations of the stream assembling section as recited in claims 1 and 13 when multiplexing the audio and video inputs. *Locket et al.* does not teach or suggest in any manner determining if a corresponding portion of audio data is missing, and if so, providing copied data obtained by copying the missing portion of the audio data into the data stream.

The various dependent claims set forth specific manners in which the copied data is put into the data stream. For example, claim 2 recites that the copied data is put into the video packet of a data unit following the data unit with which the missing audio data is associated. Claim 3 recites storing the copied data within the associated data unit. Claim 4 recites storing the copied data in a dedicated audio stream within the data stream. Claim 5 recites storing the copied data in a dedicated private data stream within the data stream.

*Locket et al.* does not describe in any way such different manners by which copied data corresponding to a portion of audio data which is missing, is input into the data stream so that such missing audio data may still be provided.

In view of the aforementioned shortcomings of *Locket et al.*, applicants respectfully request that the rejection of claims 1-18 be withdrawn.

## **II. REJECTIONS OF CLAIMS 1-18 UNDER OBVIOUSNESS-TYPE DOUBLE PATENTING**

Claims 1-18 also stand rejected under the judicially created doctrine of obviousness-type double patenting in view of commonly-owned *Application Nos. 10/479,692* and *10/535,988* (hereinafter the '*692 application*' and '*988 application*', respectively).

Applicants respectfully submit that claims 1-43 of the '*692 application*' and claims 1-16 of the '*988 application*' have very little in common with claims 1-18 of the present application. Consequently, applicants respectfully submit that claims 1-18 of the present application are not simply an obvious variation of the inventions recited in claims 1-43 and 1-16 of the '*692*' and '*988 applications*'.

For example, the claims of the '*692*' and '*988 applications*' do not relate whatsoever to the presently recited features of claims 1 and 13, namely:

- determining if a portion of audio data, which is associated with the video data stored in a predetermined data unit, is missing from the predetermined data unit;
- copying partial audio data including at least that missing portion of the audio data; and
- putting the copied data into the data stream.

These substantive differences are in no way simply obvious variations of the claims in the '*692*' and '*988 applications*'. Therefore, applicants respectfully submit that the rejection of claims 1-18 under obviousness-type double patenting in view of the '*692*'

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and '988 *applications* is improper. Withdrawal of the rejections is respectfully requested.

### **III. CONCLUSION**

Accordingly, all claims 1-18 are believed to be allowable and the application is believed to be in condition for allowance. A prompt action to such end is earnestly solicited.

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Should a petition for an extension of time be necessary for the timely reply to the outstanding Office Action (or if such a petition has been made and an additional extension is necessary), petition is hereby made and the Commissioner is authorized to charge any fees (including additional claim fees) to Deposit Account No. 18-0988.

Respectfully submitted,

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